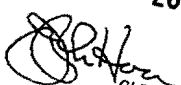


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
JAN 28 2014

CLERK

DEBBIE PLUCKER,

Plaintiff,

v.

UNITED FIRE & CASUALTY
COMPANY,

Defendant.

CIV. 12-4075

AWARD OF ATTORNEY'S FEE
AND SALES TAX

Pending is Plucker's application for attorney's fees related to filing her motion to compel (Doc. 32). United Fire filed objections (Doc. 33). Both documents have been considered.

Plucker's lawyers requested fees in the amounts of \$175 and \$225 respectively per hour. Those rates are reasonable for lawyers in this community for the type of work performed.¹

The itemized description of services rendered has likewise been reviewed. Services rendered have been allowed which are directly related to filing the motion to compel and which are directly related to conferring with opposing counsel before filing the motion to compel as required by Local Rule of Procedure 37.1. Other services rendered have been disallowed though they are legitimate services rendered, but not directly related to filing the motion to compel.

The time for services claimed by plaintiff's counsel Trzynka has been reduced by 24.95 hours, allowing 44.15 hours at \$175 per hour for a total of \$7,726.25. The time for services claimed by plaintiff's counsel Bornitz has been reduced by 3.75 hours, allowing 1.25 hours at

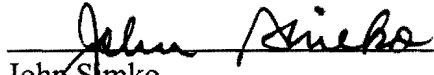
¹That an insurance company is paying its lawyers \$50 less than the going rate is not surprising and wholly unpersuasive.

\$225 for a total of \$281.25. Those two amounts added together equal \$8,007.50 attorneys' fees. Sales tax at 6% totals \$480.45. The total amount of the attorney's fee award and sales tax is \$8,487.95.

It is Ordered that Debbie Plucker's application for attorney's fee is GRANTED in part and DENIED in part. Plaintiff is awarded \$8,007.50 as attorney's fee and \$480.45 as sales tax.

Dated January 28, 2014.

BY THE COURT:


John Simko
United States Magistrate Judge